

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

JAMIE KUBBE

Plaintiff

v.

Civil Action No.: 2:04-0403

JO ANNE B. BARNHART

Commissioner of Social Security

Defendant

MEMORANDUM OPINION AND ORDER

The court having received the Proposed Findings and Recommendation of United States Magistrate Judge Mary E. Stanley made pursuant to the provisions of 28 U.S.C.A. § 636(b) (1) (B) and entered on May 3, 2005, and having reviewed the record in this proceeding; and there being no objections filed by either plaintiff or defendant; it is accordingly ORDERED that:

1. The Proposed Findings and Recommendation of the magistrate judge be, and the same hereby are, adopted by the court;
2. The plaintiff's waiver, by his mother, of counsel is valid;

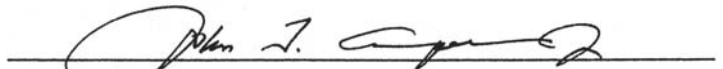
3. The defendant's motion for judgment on the pleadings be, and it hereby is, granted;

4. The plaintiff's "Brief of Appellant and Plaintiff's Response to Motion for Judgment on the Pleadings be, and they hereby are, denied; and

5. The decision of the Commissioner be, and the same hereby is, affirmed.

The clerk is directed to forward copies of this written opinion to all counsel of record and the United States Magistrate Judge.

DATED: June 3, 2005


John T. Copenhaver, Jr.
United States District Judge